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Letter dated 1 February 2018 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

I have the honour to inform you that, under the presidency of the State of Kuwait, the Security Council plans to hold a ministerial briefing on Wednesday, 21 February 2018, on the theme "Purposes and principles of the Charter of the United Nations in the maintenance of international peace and security".

In this regard, Kuwait has prepared the attached concept note (see annex). I should be grateful if the present letter and its annex would be circulated as a document of the Security Council.

(*Signed*) Mansour **Al-Otaibi**
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Please recycle

Annex to the letter dated 1 February 2018 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

Concept note for the Security Council briefing on the theme "Purposes and principles of the Charter of the United Nations in the maintenance of international peace and security", to be held on 21 February 2018

Introduction

For more than seven decades, since the inception of the United Nations, the world has faced a myriad of peace and security challenges, such as the traditional inter-State challenges of threats, breaches of the peace and acts of aggression. More recently, these challenges have become increasingly complex and have expanded to include threats and attacks at the hands of terrorists and other non-State actors and spoilers, as well as the proliferation of weapons of mass destruction, civil strife, human rights violations, climate change and difficulties in building and sustaining peace, to name but a few. Since its creation, the United Nations has faced many trials and tests in handling many of these challenges.

Enshrined in the Charter of the United Nations is a set of purposes and principles, all of which are cardinal pillars of international order and form the basis of contemporary international relations and international law, and which, if adhered to, contribute significantly to the peaceful coexistence among Member States of the Organization. Furthermore, the Charter provides a significant toolkit to confront the aforementioned traditional and contemporary challenges in order for the Security Council to follow through on its primary responsibility: the maintenance of international peace and security. There are a number of success stories of the Council to this end. The liberation of the State of Kuwait in February 1991 was a vivid example of the Council's ability to utilize the tools available in the Charter to act collectively and uniformly to carry out its responsibility and duty as conferred upon it in Article 24 of the Charter, in accordance with the purposes and principles of the Charter.

Under its presidency of the Security Council for the month of February 2018, the State of Kuwait will hold a ministerial briefing on the theme "Purposes and principles of the Charter of the United Nations in the maintenance of international peace and security" on 21 February 2018, 27 years since the liberation of the State of Kuwait. The briefing will provide a platform to reaffirm the Council's commitment to and respect for the purposes and principles of the Charter. It is also a timely opportunity, in the light of the contemporary peace and security challenges facing the international community, for the Council to discuss how best to utilize the tools in the Charter for the maintenance of international peace and security.

Context: utilizing the tools at the disposal of the Security Council

Since the founding of the United Nations in 1945, the Charter of the United Nations has served as the primary international legal instrument in establishing the framework for international relations between States, on the basis of a set of purposes whose lofty aspirations include the maintenance of international peace and security, the removal of threats to the peace through effective collective measures, the suppression of aggression or other breaches, the development of friendly relations among nations, respect for the principle of equal rights and self-determination of peoples, and the promotion and encouragement of respect for human rights. Complementing these purposes is a set of principles that are equally important in

shaping the boundaries of international relations and serve as the guiding force that governs the relationships between States. The principles include the sovereign equality of all Member States, the peaceful settlement of disputes, refraining from the threat or use of force against the territorial integrity or political independence of another Member State and non-interference.

Nevertheless, the world has seen time and time again how situations or disputes rapidly escalate into threats to regional and international peace when the purposes and principles are not adhered to and respected. In such instances, the Charter serves as the guarantor and primary instrument for the peace and security of the international order and provides the Security Council with a set of tools to carry out its functions and duties. Some of these tools are, unfortunately on many occasions, overlooked by the Security Council, or they are not used comprehensively to address a conflict or threat to the peace. At times, violations are so flagrant that they not only violate Security Council resolutions but also pose a challenge to the Charter, an example in which a collective approach by the Council is required to safeguard the international order.

The tools at the disposal of the Council are aplenty, ranging from the classical diplomacy of the pacific settlement of disputes as outlined in Chapter VI of the Charter to the more action-oriented approach with respect to threats to the peace, breaches of the peace and acts of aggression as referred to in Chapter VII. In addition, Chapter VIII provides a platform for regional arrangements to address matters relating to the maintenance of international peace and security. These chapters contain a spectrum of tools at the disposal of the Security Council, and when those tools are implemented, they often prove to be an effective means to restore peace and the rule of law.

In this regard, it is pertinent to consider the current state of world affairs. The Secretary-General, at the beginning of 2018, issued "an alert — a red alert for our world". Conflicts have continued unabated, and humanitarian suffering, as a result of the repercussions of these conflicts, has reached unfathomable figures. The Security Council has a responsibility, in the face of these peace and security challenges, to demonstrate a stronger and renewed commitment to the tools provided for in the Charter to address them.

Objectives and focus of the briefing

During the briefing, Council members may wish to focus their statements on the following:

- Emphasizing the importance of compliance with and adherence to the purposes and principles of the Charter of the United Nations, while drawing attention to the risks that undermine their implementation
- Discussing means to best utilize the tools available to the Security Council as set out in Chapters VI, VII and VIII, in accordance with the purposes and principles of the Charter, for the Council to discharge its primary responsibility for the maintenance of international peace and security as outlined in Article 24. Council members are encouraged to consider ways of:
  - Recommitting to Chapter VI of the Charter for the peaceful settlement of disputes by "negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement" or other peaceful means
  - Strengthening conflict prevention measures in order to avert a conflict at its initial stage, while noting that the Charter contains strong language on this matter

  - Making more effective use of sanctions as a tool to exert leverage against spoilers in order to support a political process
  - Determining when best to utilize the concept of collective security, and using armed force to restore international peace and security, in accordance with Chapter VII
  - Strengthening the rule of law as part of the Security Council's responsibility for the maintenance of international peace and security, such as through the establishment of criminal tribunals
  - Exploring the regional and subregional arrangements in Chapter VIII as a tool to be utilized more effectively

- Emphasizing the role of the Secretary-General in connection with the maintenance of international peace and security, and looking at the following:
  - Article 99 of the Charter, in which it is stated that "the Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security"
  - The Secretary-General, at the beginning of his tenure, called for a "surge in diplomacy for peace" and outlined prevention as a priority during his term in office. This briefing, which comes just over a year since that call, provides an opportunity for Council members to support the Secretary-General's vision in this regard
  - The Secretary-General is working to reform the peace and security architecture of the United Nations "to ensure we are stronger in prevention, more agile in mediation, and more effective and cost-effective in peacekeeping operations", as he stated previously. This briefing is a timely opportunity to hear from him on this matter

- Reflecting on examples in which the Security Council was able to best utilize the tools at its disposal to restore international peace and security, as well as the lessons learned from them. The process of the liberation of Kuwait from the Iraqi occupation in 1991 was indeed a historic and unprecedented achievement for the Security Council. It lives on as a testament to the capability of the international community to adhere and commit to the provisions of the Charter of the United Nations, thus embodying the concept of collective security as well as the maintenance of international peace and security

This meeting provides an opportunity for the members of the Security Council to hear from the Secretary-General on this topic and to exchange views on how to effectively address the traditional and contemporary challenges of our times in accordance with the purposes and principles of the Charter of the United Nations.

Briefer

The Secretary-General.

Outcome

No outcome of the Security Council is envisioned. A summary of the proceedings of the ministerial briefing will be issued by Kuwait in its national capacity in due course.

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